

### Remarks

Reconsideration and withdrawal of the outstanding rejections are respectfully solicited in view of the foregoing amendments and the following remarks. In addition, entry of this Amendment is also respectfully requested, inasmuch as this Amendment is accompanied by an RCE.

Claims 1-15 are pending. Claims 1, 3, 5, and 7 have been amended. Dependent Claims 12-15 have been added. Support for these amendments is found at least in paragraphs [0039] - [0041] of the specification.

#### *Formal Rejection*

Claims 3 and 7 are rejected under 35 U.S.C. §112, second paragraph.

In response, while not conceding the propriety of the rejection, Claims 3 and 7 have been amended to address the points raised by the Examiner. Applicant submits that as amended, Claims 3 and 7 now even more clearly, satisfy 35 U.S.C. §112, second paragraph.

#### *Substantive Rejections*

Claims 1, 2, 4/1, 4/2, 5, 6, 8/5, 8/6, 9/1, 9/2, 10/1, 10/2, 11/1, and 11/2 are rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 6,597,817 (Silverbrook) in view of U.S. Patent No. 7,050,607 (Li et al.). Claims 3/1, 3/2, 7/5, and 7/6 are rejected under 35 U.S.C. §103(a) as being unpatentable over Silverbrook in view of Li et al., and U.S. Patent Application Publication No. 20010019620 (Nagai et al.).

### *Response to Substantive Rejections*

In response, while not conceding the propriety of the rejections, Claims 1 and 5 have been amended. Applicant submits that as amended, these claims are allowable for the following reasons.

Independent Claim 1 relates to an image processing apparatus which comprises image input means for inputting an image, image attached information input means for inputting information attached to the image input by the image input means, face detection means for detecting a face from the image input by the image input means, face-detection angle-range information determination means for determining an angle range used in a process of detecting a face from the input image on the basis of the image attached information input by the image attached information input means, and process control means having a mode to control the execution of the face detecting process on the basis of information indicating the angle range determined by the face-detection angle-range information determination means.

Claim 1 has been amended to recite that the image input means is for inputting an image including a person's head. Claim 1 has also been amended to recite that the attached information includes at least four values. The first value indicates that the attached information includes no significant photographing-position information. The second value indicates that the image is upright. The third value indicates that the image is horizontal with the person's head on the right of the rest of the image. The fourth value indicates that the image is horizontal with the person's head on the left of the rest of the image.

One non-limiting example illustrating the three types of the attached information is shown in Figures 6, 7B and 8B, as discussed in paragraphs [0039]- [0041] of the specification.

In contrast, the citations to Silverbrook and Liu et al. are not understood to disclose or suggest image attached information input means for inputting information attached to the image input by the image input means, where the attached information includes at least four values, one of which indicates that the attached information includes no significant photographing-position information, a second of which indicates that the image is upright, a third of which indicates that the image is horizontal with the person's head on the right of the rest of the image, and a fourth of which indicates that the image is horizontal with the person's head on the left of the rest of the image, as recited by amended Claim 1.

Rather, Silverbrook is understood to show a rotation determination element 7 for determining whether and how much to rotate an image based on the sensed orientation of the camera and the sensed image. This patent does not appear to teach the inputting of information attached to the input image that includes the head-position values noted above. The Liu et al. patent is understood to show the dividing of an input image into subwindows (col. 6, lines 37-40), which are input into up to 13 detectors, each with a different view range, to determine whether the image includes a face within each range (col. 6, lines 22-36). This patent also does not appear to teach the inputting of information attached to the input image that includes head-position values used by face-detection angle range information determination means to determine an angle range used in the process of detecting a face from the input image.

Since MPEP § 2142 requires the cited art to disclose or suggest all the claimed features to establish a prima facie case of obviousness, and since amended Claim 1 is understood to recite at least one feature not disclosed or suggested by the cited art, Applicant submits that the Office has not yet satisfied its burden of proof to establish a prima facie case of obviousness against

amended Claim 1. For this reason, Applicant respectfully requests that the rejection of amended Claim 1 be withdrawn. And since corresponding method Claim 5 has been amended in a similar manner, it is submitted to be allowable for similar reasons. Therefore, Applicant respectfully requests that the rejection of Claim 5 also be withdrawn.

The other rejected claims in this application depend from one or another of the independent claim discussed above and, therefore, are submitted to be patentable for at least the same reasons. Since each dependent claim is also deemed to define an additional aspect of the invention, individual consideration or reconsideration, as the case may be, of the patentability of each claim on its own merits is respectfully requested.

#### *Conclusion*

In view of the foregoing amendments and remarks, Applicant respectfully requests favorable reconsideration and early passage to issue of the present application.

Any fee required in connection with this paper should be charged to Deposit Account No. 06-1205.

Applicants' undersigned attorney may be reached in our Washington D.C. office by telephone at (202) 530-1010. All correspondence should continue to be directed to our address given below.

Respectfully submitted,

/Gary M. Jacobs/

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Gary M. Jacobs  
Attorney for Applicants  
Registration No.: 28,861

FITZPATRICK, CELLA, HARPER & SCINTO  
30 Rockefeller Plaza  
New York, New York 10112-3800  
Facsimile: (212) 218-2200

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